

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 25 AM 9:26

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Pedro R. ARCE Fox**

AKA Marko Oswaldo ORTEGA Tapia

Defendant

Magistrate Docket No.

'08 MJ 1944

KMT

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

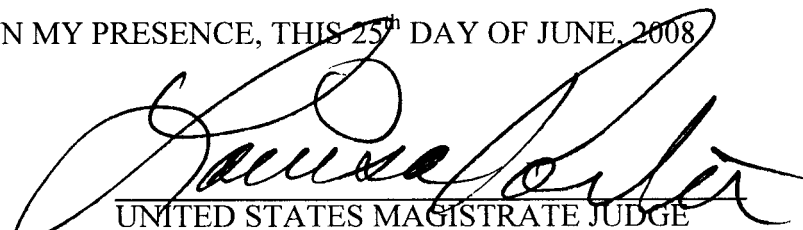
The undersigned complainant, being duly sworn, states:

On or about **June 23, 2008** within the Southern District of California, defendant, Pedro R. ARCE Fox aka Marko Oswaldo ORTEGA Tapia, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25<sup>th</sup> DAY OF JUNE, 2008

  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**

Pedro R. ARCE Fox

**PROBABLE CAUSE STATEMENT**

On June 23, 2008, Officer T. Biffle of the Chula Vista, Police Department conducted a vehicle stop of vehicle CA/6CQT502 for vehicle code violations. During the stop Officer Biffle encountered a male passenger later identified as Pedro R. ARCE-Fox (ARCE), AKA Marco Oswaldo, ORTEGA-Tapia. ARCE provided a Mexico identification bearing his photograph and biographical information to Officer Biffle. Officer Biffle requested the assistance of Immigration & Customs Enforcement as he suspected ARCE may be an undocumented alien. Immigration and Customs Enforcement, Special Agent Daniel L. Duff was notified about this encounter and arrived on scene to assist Office Biffle.

Agent Duff interviewed ARCE as to his immigration status. Agent Duff conducted queries of immigration databases and uncover that ARCE is a citizen and native of Mexico who has been previously removed from the United States. Upon receiving notification about ARCE's prior removal, Agent Duff placed ARCE under arrest.

Your complainant reviewed documents from ARCE's alien registration file which included Form I-205 (Warrant of Deportation) dated September 30, 2002, with ARCE's fingerprint and photograph. This form documents ARCE's removal to Mexico through the Otay Mesa, California, Port of Entry, pursuant to an order by an immigration judge that was also reviewed by your complainant. Additionally contained in the alien registration file was a form I-213 (Record of Deportable/Inadmissible Alien) further identifying ARCE as a citizen and native of Mexico.

Your complainant was unable to find any record that indicates ARCE applied to the U.S. Attorney General or designated successor, the Secretary of the Department of Homeland Security to lawfully re-enter the United States subsequent to his last removal from the United States.

On the basis of the above information, your complainant concludes that there is probable cause to believe that Pedro R. ARCE Fox has committed a criminal violation of Title 8, United States Code, Section 1326.